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7 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

CR 04-40148 DLJ

12 v.

STIPULATION AND ORDER TO
CONTINUE STATUS HEARING

13 JOSE CASTELLANOS,

14 Defendant.
15 _____/

16 At the request of the parties, the Court enters this order
17 (1) continuing the hearing presently set for March 20, 2009, at
18 11:00 a.m. to May 8, 2009 at 11:00 a.m., for change of plea; and
19 (2) excluding time under the Speedy Trial Act from March 20,
20 2009, based on the following:

21 1. Since the last appearance before this Court on
22 December 12, 2008, the parties have independently been
23 reconstructing a financial analysis of documents relevant to
24 material provisions of the contemplated plea agreement. This
25 process has been complicated by the age of the relevant
26 documents and financial records.

27 2. On March 16, 2009, the government provided financial
28 records and discovery pertaining to Mr. Castellanos to the

1 defense. This material is being copied and will need to be
2 reviewed and analyzed by the defense team (including sentencing
3 expert Dayle Carlson) and with the defendant.

4 3. As indicated to this Court in the prior stipulation,
5 the financial aspect of the case is essentially the only
6 remaining component of a plea agreement that the parties have
7 not yet reached mutual assent. Both parties have made efforts
8 to locate (within all of the seized documents) copies of
9 checks/checkstubs that defense counsel maintains in good faith
10 will be materially relevant to this last substantive agreement.

11 4. The government has been diligent in producing the
12 materials described in paragraph 2, *supra*, and defense counsel
13 are trying to assist in obtaining these dated records,
14 notwithstanding information and belief that the financial
15 institution does not maintain the relevant customer records
16 beyond five to seven years.

17 5. As before, counsel are generally in agreement upon
18 the offense of conviction and have tentatively agreed upon the
19 base offense level for purposes of Guidelines calculations.

20 6. A draft plea agreement is contemplated immediately
21 upon resolution of the financial component of this case, which
22 is the only issue which remains unresolved.

23 7. The parties are mindful of the relative age of the
24 case; sincerely appreciate the Court's patience; and are eager
25 to see this matter go forward.

26 8. Accordingly, the parties mutually request that the
27 March 20, 2009, date be vacated and that the matter be continued
28 to May 8, 2009 at 11:00 a.m. for change of plea.

THE PARTIES THEREFORE STIPULATE that the hearing for change of plea be continued from March 20, 2009 to May 8, 2009, with time continuing to be excluded as specified above, such that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: March 17, 2009

/s/ SHARI L. WHITE
SHARI L. WHITE
Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY
TIMOTHY J. LUCEY
Assistant U.S. Attorney

ORDER

Good cause appearing, and based upon the stipulation of the parties,

IT IS HEREBY ORDERED that the hearing in this matter is continued to May 8, 2009, at the hour of 11:00 a.m. and that time is excluded as stipulated.

Dated: March 19, 2009


D. LOWELL JENSEN, Judge
United States District Court